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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Bell et al.

SERIAL NO.: 10/010,668

FILED: December 6, 2001

TITLED: DISPERSANTS AND LUBRICATING OIL
COMPOSITIONS CONTAINING SAME

Examiner: E. McAvoy

Art Unit: 1764

Atty. Docket No. 2001L007

Assistant Commissioner for Patents
Washington, DC 20231

RESPONSE

Sir:

This paper is responsive to the Office Action mailed May 30, 2003, the period for response to which has been extended one month through and including September 30, 2003 by concurrently filed petition.

This application now contains claims 1 and 3 through 24. No amendments to the Specification or Claims are proffered.

The invention is directed to the discovery that a narrow class of high molecular weight dispersants that are the reaction product of a polyalkenyl-substituted mono- or dicarboxylic acid, anhydride or ester; and a polyamine, provide an unexpected improvement in lubricating oils. Specifically, it has been found that high molecular weight dispersants having a functionality within the limited range of greater than 1.3 to less than 1.7, and a molecular weight distribution (of the polyalkenyl moiety) within the limited range of 1.5 to 2.0, provide lubricating oil compositions with improved piston cleaning properties.

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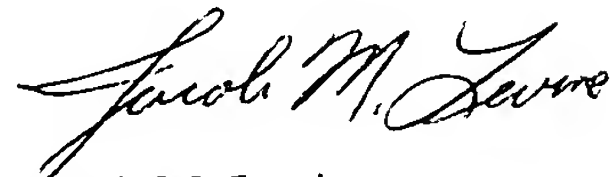
Claims 1 and 3 through 24 stand rejected under 35 USC Section 103(a) as being unpatentable over U.S. Patent No. 4,234,435 to Meinhardt et al. (hereinafter "the Meinhardt et al. patent"). The Meinhardt et al. patent discloses generally materials that are the reaction product of a polyalkenyl-substituted mono- or dicarboxylic acid, anhydride or ester; and a polyamine, and that such materials are useful as dispersants for use in lubricating oil. The Meinhardt et al. patent describes broadly the functionality of the dispersants, requiring only that said functionality be at least 1.3. Similarly, the Meinhardt et al. patent describes broadly the molecular weight distribution of the polyalkenyl moiety, describing said molecular weight distribution as being from 1.5 to 4.5. The Meinhardt et al. patent fails to suggest that those specific high molecular weight materials having simultaneously a functionality within the limited range of greater than 1.3 to less than 1.7, and a molecular weight distribution within the narrow range of 1.5 to 2.0 will provide any significant benefit over similar dispersants outside the scope of the present claims.

An interview was conducted on September 24, 2003, and applicants thank the Examiner for the courtesies extended to their representative at that time. During the interview it was noted that, while the claimed materials fall within the broad disclosure of the Meinhardt et al. patent, the specific materials now claimed are not expressly disclosed, and have been found (by applicants) to provide additional benefits neither recognized nor suggested by the teachings of the Meinhardt et al. patent. As was discussed, said benefits are clearly demonstrated by the comparative test results of the present specification, as summarized in Table 2 (page 34). In view of the above, it was indicated that the Section 103 rejection presented in view of the Meinhardt et al. patent would be withdrawn.

During the interview the Examiner further indicated that an obviousness-type double patenting rejection should have been presented in view of the claims of co-pending, and concurrently filed, U.S. Patent Application Serial No. 10/008,628. Applicants enclose herewith a Terminal Disclaimer disclaiming the terminal portion of any patent granting on the present application that would extend beyond the normal expiration date of any patent that may grant on U.S. Patent Application Serial No. 10/008,628. Applicants submit that the Terminal Disclaimer is sufficient to address any issues regarding obviousness-type double patenting, and places the present application in condition for allowance.

Based upon the foregoing, applicants respectfully request that all rejections be withdrawn,
and the above-identified application now be passed to issue.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Jacob M. Levine".

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